

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1156 be amended to read as follows:

- 1 Page 7, between lines 33 and 34, begin a new paragraph and insert:
- 2 "SECTION 2. IC 31-12-1.5 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2006]: **Chapter 1.5. Other Domestic Relations Courts**
- 5 **Sec. 1. (a) This chapter applies in a judicial circuit in which a**
- 6 **majority of the judges of the circuit and superior courts determine**
- 7 **that:**
- 8 **(1) the social conditions of the county; and**
- 9 **(2) the number of domestic relations cases in the courts;**
- 10 **make the procedures described in IC 31-12-1 necessary for the full**
- 11 **and proper consideration of domestic relations cases.**
- 12 **(b) The judges shall make the determination described in**
- 13 **subsection (a) annually in January.**
- 14 **Sec. 2. If the judges of a judicial circuit make the determination**
- 15 **described in section 1 of this chapter, the judges shall designate by**
- 16 **joint order one (1) or more of the judges in the judicial circuit to**
- 17 **hear cases under this chapter. A judge designated under this**
- 18 **section may hold as many sessions each week as are necessary for**
- 19 **the prompt disposition of the court's business.**
- 20 **Sec. 3. A court exercising the jurisdiction described in section 2**
- 21 **of this chapter may be designated as a domestic relations court.**
- 22 **Sec. 4. A court designated as a domestic relations court under**
- 23 **section 3 of this chapter has the jurisdiction and special powers**
- 24 **described in IC 31-12-1-4. A court designated as a domestic**
- 25 **relations court under this chapter, IC 31-12-1, or IC 31-12-2**
- 26 **retains jurisdiction to hear any type of case the court had**
- 27 **jurisdiction to hear before the court was designated as a domestic**
- 28 **relations court.**
- 29 **Sec. 5. (a) If a judge appointed to act as judge of the domestic**
- 30 **relations court is:**

1 (1) on vacation;
 2 (2) absent; or
 3 (3) for any reason unable to perform the judge's duties;
 4 a majority of the judges of the superior and circuit courts may
 5 appoint another of the judges to act as judge of the domestic
 6 relations court during that period.

7 (b) A judge appointed under subsection (a) has all the powers
 8 and authority of the regularly presiding judge of the domestic
 9 relations court.

10 Sec. 6. IC 31-12-1-6 through IC 31-12-1-16 apply to a domestic
 11 relations court established under this chapter.

12 Sec. 7. (a) The judges of the circuit and superior courts may
 13 appoint:

- 14 (1) a director of domestic relations counseling; or
- 15 (2) at least one (1) counselor under this chapter or under
- 16 IC 31-12-1.

17 (b) A counselor described in subsection (a)(2) or the
 18 organization led by the director described in subsection (a)(1) is
 19 designated as a domestic relations counseling bureau.

20 SECTION 2. IC 31-12-4 IS ADDED TO THE INDIANA CODE
 21 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2006]: Chapter 4. Domestic Relations Counseling Bureau
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24 Sec. 1. (a) Upon order of a judge or group of judges described
 25 in IC 31-12-1, IC 31-12-1.5, or IC 31-12-2, and in accordance with
 26 this chapter, a court that provides domestic relations counseling
 27 services may charge a fee for these services.

28 (b) In addition to any other domestic relations counseling
 29 services ordered by the court, a domestic relations counseling
 30 bureau may provide the following domestic relations counseling
 31 services:

- 32 (1) Screening.
- 33 (2) Investigation.
- 34 (3) Reporting.
- 35 (4) Evaluation.
- 36 (5) Counseling.
- 37 (6) Mediation.

38 Sec. 2. (a) If a judge or group of judges issues an order under
 39 section 1 of this chapter to charge a domestic relations counseling
 40 fee, the judge must also adopt by court rule a schedule of fees. The
 41 schedule of fees is not effective until approved by the county fiscal
 42 body in accordance with this chapter.

43 (b) Upon request of a judge or group of judges that issued an
 44 order under section 1 of this chapter, the county fiscal body may
 45 adopt an ordinance to create a county domestic relations
 46 counseling bureau fund to fund the services of a domestic relations

1 court and a domestic relations counseling bureau.

2 (c) If the county fiscal body creates a domestic relations
3 counseling bureau fund, any fees collected by the domestic
4 relations counseling bureau shall be deposited in the fund.

5 (d) The fund shall be administered by the judge or group of
6 judges who are signatories to the order described in section 1 of
7 this chapter.

8 (e) The expenses of administering the fund shall be paid from
9 the money in the fund.

10 (f) Any money in the fund at the end of a fiscal year does not
11 revert to the county general fund.

12 (g) The county fiscal body shall appropriate money from the
13 domestic relations counseling bureau fund to support the domestic
14 relations counseling bureau. However, a county fiscal body may
15 not transfer funds that have been previously appropriated to the
16 budget of the domestic relations counseling bureau as a
17 consequence of an appropriation from the domestic relations
18 counseling bureau fund.

19 Sec. 3. With the prior approval of the judge or group of judges
20 described in IC 31-12-1, IC 31-12-1.5, or IC 31-12-2, a domestic
21 relations counseling bureau may receive gifts and donations from
22 a private source to supplement the budget of the domestic relations
23 counseling bureau."

24 Renumber all SECTIONS consecutively.

(Reference is to EHB 1156 as printed February 24, 2006.)

Senator BRODEN